

REMARKS

By the above actions, claims 1-3 and 7-9 have been amended. In view of these amendments and the following remarks reconsideration of this application is respectfully requested.

Referring now to the Office Action, claims 6 and 12 were rejected under 35 USC 112, second paragraph, the Examiner noting that these claims appear to be inconsistent with prior claims 1 and 7 with respect to the roof skin. In response, claims 1-3 and 7-9 have been amended above to remove the "fixed" limitation so that these claims are now consistent with claims 6 and 12. Therefore, the withdrawal of this rejection is requested.

Referring again to the Office Action, the Examiner objected to the drawings under 37 CFR 1.83(a) as not illustrating the displacement mechanism of claims 1 & 7. In response thereto, it is noted that the support lever (28) and the guide rail (26) clearly shown in Figures 3 to 8 are components of the displacement mechanism recited in the claims and should be sufficient to meet the requirements of § 1.83. However, to expedite prosecution of the present application, claims 1 and 7 have been amended to delete the recitation of the displacement mechanism, and replacing it with a recitation that the cover is "mounted for displacement," such clearly being sufficiently illustrated in Figs. 3 & 4. Accordingly, withdrawal of this objection and the acceptance of the drawings are respectfully requested.

Claims 1, 4, 7 and 10 were rejected by the Examiner under 35 USC 103(a) as being unpatentable based on the Japanese reference to Yokouchi in view of Hirose. As the Examiner concedes, Yokouchi lacks a displacement mechanism for a drive shoe and relies upon Hirose for disclosing a displacement mechanism for a drive shoe within a rail. The Applicants respectfully disagree. In particular, careful review of Figures 5 & 6 of Yokouchi shows that the roof mechanism disclosed in Yokouchi does not have a support lever with an end which is guided in a guide rail that is positioned underneath the roof skin. The cited Hirose reference does not cure this

deficiency of Yokouchi in that Hirose discloses a T-shaped bar on which a support lever is displaced, and fails to disclose a support lever with an end guided in a guide rail. Thus, even if the cited references are combined in the manner suggested by the Examiner, such a combination still fails to result in a motor vehicle roof as claimed.

However, to more clearly define the present invention and to expedite prosecution of the present application, independent claims 1 & 7 have been amended to specifically recite that the support lever includes a first pivotable end, a second end, and an intermediate joint between the first end and second end of the support lever. In addition, these claims have been further amended to specifically recite that the support lever is coupled at the first pivotable end to a rear area of the cover, and that the second end is guided within a channel of a guide rail. Further, claims 1 & 7 have also been amended to recite that during displacement of the cover from the closed position to the ventilating and open position, the intermediate joint is raised into the channel of the guide rail, and that the first end of the support lever is elevated above the roof skin.

Certainly, the cited references, whether viewed alone or in combination, fail to teach, suggest, or otherwise render obvious the invention as now claimed. Therefore, withdrawal of this rejection and allowance of claims 1, 4, 7 and 10 are requested, claims 4 and 10 being dependent on the above amended claims 1 and 7, respectively.

In the Office Action, claims 2, 3, 5, 8, 9, and 11 were rejected under 35 USC 103(a) as being unpatentable over Yokouchi and Hirose, discussed above, when viewed further in combination with U.S. Patent No. 6,158,803 to Reihl et al. However, this rejection is believed to be rendered moot in view of the remarks above, and amendments to claims 1 & 7 from which all of these rejected claims ultimately depend. In this regard, Reihl et al. fails to cure the deficiencies of the Japanese references noted above, since it too lacks the noted characteristics of the present invention. Thus, withdrawal of this rejection and allowance of these claims are respectfully requested.

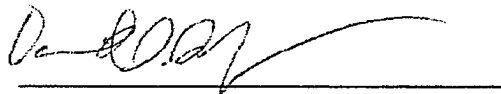
Claims 2, 3, 5, 8, 9, and 11 were also rejected under 35 USC 103(a) as being unpatentable over Yokouchi and Hirose discussed above in further view of U.S. Patent

No. 4,786,102 to Sakamoto et al. However, this rejection is also believed to be rendered moot in view of the remarks above and the amendments to claims 1 & 7 from which all of these rejected claims ultimately depend. The cited Sakamoto et al. also fails to cure the deficiencies of the Yokouchi and Hirose references, lacking a suggestion of the features of the amended claims noted above. Thus, these dependent claims are believed to be patentable at least for the reason of their dependency on independent claims 1 & 7. Accordingly, withdrawal of this rejection and allowance of these claims are also requested as well.

The prior art that has been cited, but not applied by the Examiner has been taken into consideration during formulation of this response. However, since this art was not considered by the Examiner to be of sufficient relevance to apply against any of the claims, no detailed comments thereon are believed to be warranted at this time.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, he is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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